

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBIN McSHERRY,	:	
	:	
Plaintiff	:	Civil Action No. 1:06-CV-0182
	:	
v.	:	(Judge Kane)
	:	
	:	
PENNSYLVANIA DEPARTMENT OF LABOR & INDUSTRY; and	:	
DR. CRAIG FULTZ	:	
	:	
Defendants	:	

MEMORANDUM AND ORDER

In this action, Plaintiff has sued the Pennsylvania Department of Labor and Industry, alleging that she was physically assaulted during her employment with Defendant. (Doc. No. 1.) Plaintiff seeks \$50,000 in damages. (Id.) This is the fifth civil action Plaintiff has filed with this Court in the last fortnight and the sixth civil action currently pending before the Court. See Civil Action Nos. 04-CV-132; 06-CV-11; 06-CV-12; 06-CV-71; 06-CV-164. Plaintiff has also moved for leave to proceed in forma pauperis. For the reasons set forth below, Plaintiff's motion will be denied.

I. DISCUSSION

A. In Forma Pauperis

Section 1915(a)(1) provides that a court may, in its discretion, authorize a person to commence and prosecute a civil action without payment of fees if the party submits an affidavit containing a statement of the party's assets and demonstrating that the party is unable to pay required fees. Plaintiff attests that she is currently unemployed, however she receives \$3,351.61 a month from Social Security, Veteran Affairs compensation, and state retirement. (Doc. No. 2.) Additionally, Plaintiff attests that she has \$500.00 in a checking account, as well as an

automobile valued at approximately \$7,000. (Id. at 3.)

The Court notes that it granted Plaintiff's motion to proceed in forma pauperis on January 30, 2004, in another civil action initiated by Plaintiff and currently before the Court, McSherry v. Department of Labor & Industry et al., Case Number 1:04-CV-00132. However, in that case, Plaintiff did not list the above incomes and declared that she had only \$270.31 in her bank accounts. (Case Number 04-132, Doc. No. 2.) Given Plaintiff's representation that she now receives more than \$3,350.00 in income per month, the Court does not find that Plaintiff is without sufficient resources to finance this relatively straightforward litigation. Accordingly, Plaintiff's request for in forma pauperis status will be denied. Plaintiff will be required immediately to remit the required filing fee of \$250 to the Clerk of Court. Thereafter, Plaintiff shall take all steps necessary to obtain a summons from the Clerk of Courts and to see to it that Defendant is served in accordance with the procedures set forth in the Federal Rules of Civil Procedure.

II. ORDER

Accordingly, for the reasons set forth above, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's motion to proceed in forma pauperis (Doc. No. 2) is **DENIED**.
2. Within ten (10) calendar days from the date of this Order, Plaintiff shall remit the required filing fee in the amount of \$250 payable to "Clerk, U.S. District Court."
3. Plaintiff shall take all steps necessary to obtain a summons from the Clerk of Courts and to see to it that Defendant is served in accordance with the procedures set forth in the Federal Rules of Civil Procedure.
4. Failure to comply with the terms of this Order may result in the complaint being dismissed without further notice.

S/ Yvette Kane
Yvette Kane
United States District Judge

Dated: January 24, 2006